

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

William J. Carey

v.

Civil No. 05-cv-293-JD

Steven Olson
and Michael Boufford

O R D E R

William J. Carey, proceeding pro se, alleged claims against the Manchester Police Department and three police officers. Carey's claims arose from the circumstances surrounding his arrest and prosecution on charges of stalking and attempting to violate a stalking order. Following preliminary review under 28 U.S.C. § 1915A, the magistrate judge reported that Carey alleged sufficient facts as to only Fourth Amendment malicious prosecution claims against Olson and Boufford, recommended that only those defendants be served, and dismissed all other claims and the claims against Officer Peter Bartlett. The report and recommendation was approved by the court.

After reviewing the pleadings and the record for purposes of the defendants' pending motion for judgment on the pleadings, however, it appears that Carey also alleged sufficient facts to state a Fourth Amendment malicious prosecution claim as to Officer Peter Bartlett. Therefore, Bartlett should be served as a third defendant in this case.

Accordingly, the complaint shall be served on Officer Peter Bartlett. The Clerk's Office is instructed to prepare the summons for that defendant and deliver to the United States Marshal for the District of New Hampshire ("U.S. Marshal's Office") the summons and copies of the complaint and all other filings made in this case, including this order. Upon receipt of the necessary documentation, the U.S. Marshal's Office shall effect service upon the defendant. See Fed. R. Civ. P. 4(c)(2).

The defendant shall answer or otherwise plead within twenty days of acceptance of service. See Fed. R. Civ. P. 12(a)(1)(A).

Plaintiff is instructed that all future pleadings, written motions, notices, or similar papers shall also be served directly on Officer Peter Bartlett by delivering or mailing the materials to him or his attorney, pursuant to Fed. R. Civ. P. 5(b).

SO ORDERED.


Joseph A. DiClerico, Jr.
United States District Judge

April 13, 2006

cc: William J. Carey, pro se
Robert J. Meagher, Esquire